

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:11-cv-50-RJC**

JONATHAN HENSLEE,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
ALVIN W. KELLER, JR.,)	
KEITH WHITENER,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on remand from the Fourth Circuit Court of Appeals. Plaintiff Jonathan Henslee, a state court inmate, filed this action on April 7, 2011, under 42 U.S.C. § 1983, challenging the implementation of the personal grooming policy at Alexander Correctional Institution. On May 10, 2011, after an initial review pursuant to 28 U.S.C. § 1915A(b)(1), this Court entered an Order dismissing the action for failure to state a claim upon which relief could be granted. (Doc. No. 2). This Court further noted in its Order that the Order constituted Plaintiff's third "strike" for purposes of the Prison Litigation Reform Act. Plaintiff appealed.

On September 11, 2012, the Fourth Circuit entered an Order vacating this Court's judgment and remanding to this Court. Henslee v. Keller, No. 11-6707 (4th Cir. Sept. 11, 2012). The Fourth Circuit stated in the Order that Plaintiff sought only injunctive relief in this action and that he had been transferred to another facility while the appeal was pending. Thus, the Fourth Circuit instructed this Court on remand to enter an Order dismissing the Complaint as moot.

IT IS THEREFORE ORDERED, pursuant to the instructions of the Fourth Circuit in its remand Order, that this action is **DISMISSED** as moot. To this extent, the Court rescinds its prior Order dismissing the action for failure to state a claim.

Signed: October 16, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

